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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,082	10/17/2001	Christopher Piche	E201 0010/BMG	3163

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EXAMINER
BATURAY, ALICIA

ART UNIT	PAPER NUMBER
2155	

MAIL DATE	DELIVERY MODE
05/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/978,082	PICHE ET AL.
	Examiner	Art Unit	
	Alicia Baturay	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>20 February 2007</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-4</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-4</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>14 March 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to a request for continued examination under 37 CFR

1.114, including the fee set forth in 37 CFR 1.17(e), which was filed in this application after

final rejection. Since this application is eligible for continued examination under 37 CFR

1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the

previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on 20 February 2007 has been entered.

2.   Claims 1-4 were amended.

3.   Claims 1-4 are pending in this Office Action.

Response to Amendment

4.   Applicant's amendments and arguments with respect to claims 1-4 filed on 20 February

2007 have been fully considered but they are deemed to be moot in view of the new grounds

of rejection.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeMoney

(U.S. 6,721,789) and in view of Jain (U.S. 6,259,677) further in view of Goldberg et al. (U.S.

5,692,213) and further in view of.

DeMoney teaches the invention substantially as claimed including a system for managing

storage accesses for multimedia streams including a disk scheduler that may have a

guaranteed rate queue for queuing storage requests in which requests are ordered according

to a deadline (see Abstract).

7.   With respect to claim 1, DeMoney teaches a method for improving the processing of a

plurality of queued animation over a computer network having a client and a server,

comprising:

Forming a queue of server messages at the client (DeMoney, col. 10, lines 31-34); adding

messages received from the server queue (DeMoney, col. 11, lines 30-32); calculating a

minimum deadline of the deadlines of each of the messages in the queue (DeMoney, col. 11,

lines 51-58); calculating the time required to play all the currently queued animations

(DeMoney, col. 11, lines 63-65).

DeMoney does not explicitly teach the deadline determined by the message.

However, Jain teaches setting a deadline for each message in the queue, the deadline

determined by the message (Jain, col. 5, lines 40-47).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify DeMoney in view of Jain in order to enable determining the deadline by

the message. One would be motivated to do so in order to enable an adaptive method that

attempts to minimize delay for current network conditions.

The combination of DeMoney and Jain does not explicitly teach accelerating the

multimedia stream.

However, Goldberg teaches if the time required to play all the currently queued

animations is greater than the minimum deadline of the server messages in the queue,

accelerating the animation (Goldberg, col. 6, lines 34-36).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to modify the combination of DeMoney and Jain in view of Goldberg in order to

enable accelerating the multimedia stream. One would be motivated to do so in order to

allow a user to "catch up" to the current portion in the presentation before a network lag.

8.   With respect to claim 2, DeMoney teaches a method for improving the processing of a

plurality of queued animation over a computer network between first and second clients,

comprising:

Forming a queue of messages from the first client at the second client (DeMoney, col. 10,

lines 31-34); adding messages received from the first client to the queue at the second client

(DeMoney, col. 11, lines 30-32); calculating a minimum deadline of the deadlines of each of

the messages in the queue (DeMoney, col. 11, lines 51-58); calculating the time required to

play all the currently queued animations (DeMoney, col. 11, lines 63-65).

DeMoney does not explicitly teach the deadline determined by the message.

However, Jain teaches setting a deadline for each message in the queue, the deadline determined by the message (Jain, col. 5, lines 40-47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeMoney in view of Jain in order to enable determining the deadline by the message. One would be motivated to do so in order to enable an adaptive method that attempts to minimize delay for current network conditions.

The combination of DeMoney and Jain does not explicitly teach accelerating the multimedia stream.

However, Goldberg teaches if the time required to play all the currently queued animations is greater than the minimum deadline of the server messages in the queue, accelerating the animation (Goldberg, col. 6, lines 34-36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of DeMoney and Jain in view of Goldberg in order to enable accelerating the multimedia stream. One would be motivated to do so in order to allow a user to "catch up" to the current portion in the presentation before a network lag.

9.   Claims 3 and 4 do not teach or define any new limitations above claims 1 and 2 and therefore are rejected for similar reasons.

Response to Arguments

10.   Applicant's arguments filed 20 February 2007 have been fully considered, but they are

not persuasive for the reasons set forth below.

Applicant's arguments have been considered but are moot in view of the new ground(s)

of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at M-Th 7:15 - 5pm, 2nd Fridays 7:15-3:45, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay
April 25, 2007

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER